

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963

ENROLLED

SENATE BILL NO. 11

(By Mr. Carson (Mr. President)
and Ms. Smith)

PASSED March 9 1963

In Effect from Passage

Filed in Office of the Secretary of State
of West Virginia 3-16-63

JOE F. BURDETT
SECRETARY OF STATE

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 11

[Passed March 9, 1963; in effect from passage.]

AN ACT to repeal article one and to enact in lieu thereof a new article one; to amend and reenact section eight, article two; to amend article three by adding thereto a new section, designated section four-a; to amend and reenact section eight of article three; to amend and reenact sections one and two, article six; to amend article ten by adding thereto a new section, designated section eight; to amend and reenact section three, article thirteen; and to amend article thirteen by adding thereto a new section, designated section five, all of chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the regulation of the operation, stop-

ping, standing and parking of motor and other vehicles and imposing penalties.

Be it enacted by the Legislature of West Virginia:

That article one be repealed and a new article one enacted in lieu thereof; that section eight, article two be amended and reenacted; that article three be amended by adding thereto a new section, designated section four-a; that section eight, article three be amended and reenacted; that sections one and two, article six, be amended and reenacted; that article ten be amended by adding thereto a new section, designated section eight; that section three, article thirteen, be amended and reenacted; and that article thirteen be amended by adding thereto a new section, designated section five, all of chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all to read as follows:

Article 1. Words and Phrases Defined.

Section 1. Definition of Words and Phrases.—The following words and phrases when used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this article.

Sec. 2. Vehicle.—“Vehicle” means every device in,

2 upon, or by which any person or property is or may be
3 transported or drawn upon a highway, except devices
4 moved by human power or used exclusively upon sta-
5 tionary rails or tracks.

Sec. 3. Motor Vehicle.—"Motor vehicle" means every
2 vehicle which is self-propelled and every vehicle which
3 is propelled by electric power obtained from overhead
4 trolley wires, but not operated upon rails.

Sec. 4. Motorcycle.—"Motorcycle" means every motor
2 vehicle having a seat or saddle for the use of the rider
3 and designed to travel on not more than three wheels in
4 contact with the ground, but excluding a tractor.

Sec. 5. Motor-Driven Cycle.—"Motor-driven cycle"
2 means every motorcycle, including every motor scooter,
3 with a motor which produces not to exceed five horse-
4 power, and every bicycle with motor attached.

Sec. 6. Authorized Emergency Vehicle.—"Authorized
2 emergency vehicle" means vehicles of the fire depart-
3 ment, police vehicles, and such ambulances and emer-
4 gency vehicles of municipal departments or public serv-
5 ice corporations as are designated or authorized by the

6 commissioner or the chief of police of an incorporated
7 city, and such privately owned ambulances and emer-
8 gency vehicles as are designated by the commissioner.

Sec. 7. School Bus.—"School bus" means every motor
2 vehicle owned by a public or governmental agency and
3 operated for the transportation of children to or from
4 school or privately owned and operated for compensation
5 for the transportation of children to or from school.

Sec. 8. Bicycle.—"Bicycle" means every device pro-
2 pelled by human power upon which any person may ride,
3 having two tandem wheels either of which is more than
4 twenty inches in diameter.

Sec. 9. Truck Tractor.—"Truck tractor" means every
2 motor vehicle designed and used primarily for drawing
3 other vehicles and not so constructed as to carry a load
4 other than a part of the weight of the vehicle and load
5 so drawn.

Sec. 10. Farm Tractor.—"Farm tractor" means every
2 motor vehicle designed and used primarily as a farm
3 implement for drawing plows, mowing machines, and
4 other implements of husbandry.

Sec. 11. Road Tractor.—"Road tractor" means every
2 motor vehicle designed and used for drawing other ve-
3 hicles and not so constructed as to carry any load thereon
4 either independently or any part of the weight of a
5 vehicle or load so drawn.

Sec. 12. Truck.—"Truck" means every motor vehicle
2 designed, used or maintained primarily for the trans-
3 portation of property.

Sec. 13. Bus.—"Bus" means every motor vehicle de-
2 signed for carrying more than seven passengers and used
3 for the transportation of persons; and every motor ve-
4 hicle, other than a taxicab, designed and used for the
5 transportation of persons for compensation.

Sec. 14. Trackless Trolley Coach.—"Trackless trolley
2 coach" means every motor vehicle which is propelled by
3 electric power obtained from overhead trolley wires but
4 not operated upon rails.

Sec. 15. Trailer.—"Trailer" means every vehicle with
2 or without motive power, other than a pole trailer, de-
3 signed for carrying persons or property and for being
4 drawn by a motor vehicle and so constructed that no part
5 of its weight rests upon the towing vehicle.

Sec. 16. Semitrailer.—"Semitrailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Sec. 17. Pole Trailer.—"Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

Sec. 18. Pneumatic Tire.—"Pneumatic tire" means every tire in which compressed air is designed to support the load.

Sec. 19. Solid Tire.—"Solid tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

Sec. 20. Metal Tire.—"Metal tire" means every tire
2 the surface of which in contact with the highway is
3 wholly or partly of metal or other hard non-resilient
4 material.

Sec. 21. Railroad.—"Railroad" means a carrier of per-
2 sons or property upon cars, other than streetcars, operated
3 upon stationary rails.

Sec. 22. Railroad Train.—"Railroad train" means a
2 steam engine, electric or other motor, with or without
3 cars coupled thereto, operated upon rails, except street-
4 cars.

Sec. 23. Streetcar.—"Streetcar" means a car other than
2 a railroad train for transporting persons or property and
3 operated upon rails principally within a municipality.

Sec. 24. Explosives.—"Explosives" means any chemical
2 compound or mechanical mixture that is commonly used
3 or intended for the purpose of producing an explosive
4 and which contains any oxidizing and combustive units
5 or other ingredients in such proportions, quantities, or
6 packing that an ignition by fire, by friction, by concus-
7 sion, by percussion, or by detonator of any part of the

8 compound or mixture may cause such a sudden gener-
9 ation of highly heated gases that the resultant gasious
10 pressures are capable of producing destructive effects on
11 contiguous objects or of destroying life or limb.

Sec. 25. Flammable Liquid.—"Flammable liquid" means
2 any liquid which has a flash point of seventy degrees
3 Fahrenheit, or less, as determined by a tagliabue or
4 equivalent closed-cup test device.

Sec. 26. Gross Weight.—"Gross weight" means the
2 weight of a vehicle without load plus the weight of any
3 load thereon.

Sec. 27. Commissioner.—"Commissioner" means the
2 commissioner of motor vehicles of this state.

Sec. 28. Department.—"Department" means the depart-
2 ment of motor vehicles of this state acting directly or
3 through its duly authorized officers and agents.

Sec. 29. Person.—"Person" means every natural person,
2 firm, copartnership, association, or corporation.

Sec. 30. Pedestrian.—"Pedestrian" means any person
2 afoot.

Sec. 31. Driver.—"Driver" means every person who
2 drives or is in actual physical control of a vehicle.

Sec. 32. Owner.—"Owner" means a person who holds
2 the legal title of a vehicle or in the event a vehicle is the
3 subject of an agreement for the conditional sale or lease
4 thereof with the right of purchase upon performance of
5 the conditions stated in the agreement and with an im-
6 mediate right of possession vested in the conditional
7 vendee or lessee, or in the event a mortgagor of a vehicle
8 is entitled to possession, then such conditional vendee or
9 lessee or mortgagor shall be deemed the owner for the
10 purpose of this chapter.

Sec. 33. Police Officer.—"Police officer" means every
2 officer authorized to direct or regulate traffic or to make
3 arrest for violations of traffic regulations.

Sec. 34. Local Authorities.—"Local authorities" means
2 every county, municipal, and other local board or body
3 having authority to enact laws relating to traffic under
4 the constitution and laws of this state.

Sec. 35. Street or Highway.—"Street" or "highway"
2 means the entire width between the boundary lines of

3 every way publicly maintained when any part thereof
4 is open to the use of the public for purposes of vehicular
5 travel.

Sec. 36. Private Road or Driveway.—"Private road" or
2 "driveway" means every way or place in private owner-
3 ship and used for vehicular travel by the owner and those
4 having express or implied permission from the owner,
5 but not by other persons.

Sec. 37. Roadway.—"Roadway" means that portion of
2 a highway improved, designed, or ordinarily used for
3 vehicular travel, exclusive of the berm or shoulder. In
4 the event a highway includes two or more separate road-
5 ways, the term "roadway" as used herein shall refer to
6 any such roadway separately but not to all such roadways
7 collectively.

Sec. 38. Sidewalk.—"Sidewalk" means that portion of
2 a street between the curb lines, or the lateral lines of a
3 roadway, and the adjacent property lines, intended for
4 the use of pedestrians.

Sec. 39. Laned Roadway.—"Laned roadway" means a
2 roadway which is divided into two or more clearly
3 marked lanes for vehicular traffic.

Sec. 40. Through Highway.—"Through highway"

2 means every highway or portion thereof at the entrances
3 to which vehicular traffic from intersecting highways is
4 required by law to stop before entering or crossing the
5 same and when stop signs are erected as provided in this
6 chapter.

Sec. 41. Controlled-Access Highway.—"Controlled-

2 access highway" means every highway, street, or road-
3 way in respect to which owners or occupants of abutting
4 lands and other persons have no legal right of access to
5 or from the same except at such points only and in such
6 manner as may be determined by the public authority
7 having jurisdiction over such highway, street, or road-
8 way.

Sec. 42. Intersection.—"Intersection" includes: (a) The

2 area embraced within the prolongation or connection of
3 the lateral curb lines, or, if none, then the lateral bound-
4 ary lines of the roadways of two highways which join
5 one another at, or approximately at, right angles, or the
6 area within which vehicles traveling upon different high-
7 ways joining at any other angle may come in conflict; and

8 (b) Where a highway includes two roadways thirty feet
9 or more apart, then every crossing of each roadway of
10 such divided highway by an intersecting highway shall
11 be regarded as a separate intersection. In the event such
12 intersecting highway also includes two roadways thirty
13 feet or more apart, then every crossing of two roadways
14 of such highways shall be regarded as a separate inter-
15 section.

Sec. 43. Cross Walk.—"Cross walk" includes: (a)

2 That part of a roadway at an intersection included within
3 the connections of the lateral lines of the sidewalks on
4 opposite sides of the highway measured from the curbs
5 or, in the absence of curbs, from the edges of the traversa-
6 ble roadway; and

7 (b) Any portion of a roadway at an intersection or
8 elsewhere distinctly indicated for pedestrian crossing by
9 lines or other markings on the surface.

Sec. 44. Safety Zone.—"Safety zone" means the area

2 or space officially set apart within a roadway for the
3 exclusive use of pedestrians and which is protected or is
4 so marked or indicated by adequate signs as to be plainly
5 visible at all times while set apart as a safety zone.

Sec. 45. Business District.—"Business district" means
 2 the territory contiguous to and including a highway when
 3 within any six hundred feet along such highway there
 4 are buildings in use for business or industrial purposes,
 5 including but not limited to hotels, banks, or office build-
 6 ings, railroad stations, and public buildings which occupy
 7 at least three hundred feet of frontage on one side or
 8 three hundred feet collectively on both sides of the
 9 highway.

Sec. 46. Residence District.—"Residence district" means
 2 the territory contiguous to and including a highway not
 3 comprising a business district when the property on such
 4 highway for a distance of three hundred feet or more is
 5 in the main improved with residences or residences and
 6 buildings in use for business.

Sec. 47. Traffic-Control Devices.—"Traffic-control de-
 2 vices" means all signs, signals, markings, and devices not
 3 inconsistent with this chapter placed or erected by au-
 4 thority of a public body or official having jurisdiction, for
 5 the purpose of regulating, warning, or guiding traffic.

Sec. 48. Traffic-Control Signal.—"Traffic-control signal"

2 means any device, whether manually, electrically, or me-
3 chanically operated, by which traffic is alternately di-
4 rected to stop and to proceed.

Sec. 49. Railroad Sign or Signal.—"Railroad sign" or

2 "signal" means any sign, signal, or device erected by au-
3 thority of a public body or official or by a railroad and
4 intended to give notice of the presence of railroad tracks
5 or the approach of a railroad train.

Sec. 50. Traffic.—"Traffic" means pedestrians, ridden or

2 herded animals, vehicles, streetcars, and other convey-
3 ances either singly or together while using any highway
4 for purposes of travel.

Sec. 51. Right-of-Way.—"Right-of-way" means the priv-

2 ilege of the immediate use of the highway.

Sec. 52. Stop.—"Stop", when required, means complete

2 cessation from movement.

Sec. 53. Stop, Stopping, or Standing.—"Stop", "stop-

2 ping", or "standing", when prohibited, means any stop-
3 ing or standing of a vehicle, whether occupied or not,
4 except when necessary to avoid conflict with other traffic

5 or in compliance with the directions of a police officer
6 or traffic-control sign or signal.

Sec. 54. Park.—"Park", when prohibited, means the
2 standing of a vehicle, whether occupied or not, otherwise
3 than temporarily for the purpose of and while actually
4 engaged in loading or unloading.

Sec. 55. School Grounds.—"School grounds" includes
2 the land on which a school is built together with such
3 other land used by students for play, recreation or ath-
4 letic events while attending school.

Article 2. Obedience to and Effect of Traffic Laws.

Section 8. Powers of Local Authorities.—(a) The pro-
2 visions of this chapter shall not be deemed to prevent
3 local authorities with respect to streets and highways un-
4 der their jurisdiction and within the reasonable exercise
5 of the police power from:

- 6 (1) Regulating the standing or parking of vehicles;
- 7 (2) Regulating traffic by means of police officers or
8 traffic-control devices;
- 9 (3) Regulating or prohibiting processions or assem-
10 blages on the highways;

11 (4) Designating particular highways as one-way high-
12 ways and requiring that all vehicles thereon be moved in
13 one specific direction;

14 (5) Regulating the speed of vehicles in public parks;

15 (6) Designating any highway as a through highway
16 and requiring that all vehicles stop before entering or
17 crossing the same or designating any intersection as a stop
18 intersection and requiring all vehicles to stop at one or
19 more entrances at such intersection;

20 (7) Restricting the use of highways as authorized in
21 section twelve, article seventeen of this chapter;

22 (8) Regulating the operation of bicycles and requir-
23 ing the registration and licensing of same, including the
24 requirement of a registration fee;

25 (9) Regulating or prohibiting the turning of vehicles
26 or specified types of vehicles at intersections;

27 (10) Altering the speed limits as authorized herein;

28 (11) Adopting such other traffic regulations as are spe-
29 cifically authorized by this chapter.

30 (b) No local authority shall permit any parking on
31 any state highway, or erect or maintain any stop sign or

32 traffic-control device at any location so as to require the
33 traffic on any state highway to stop before entering or
34 crossing any intersecting highway unless approval in
35 writing has first been obtained from the state road com-
36 mission. Any such approval may be withdrawn by a
37 notice in writing from the state road commission.

38 (c) No ordinance or regulation enacted under subdi-
39 visions (4), (5), (6), (7), or (10), of paragraph (a) of
40 this section shall be effective until signs giving notice of
41 such local traffic regulations are posted upon or at the
42 entrance to the highway or part thereof affected as may
43 be most appropriate.

Article 3. Traffic Signs, Signals and Markings.

Section 4-a. Obedience to Traffic Control Instructions at

2 Site of Street or Highway Construction or Maintenance.—

3 The driver of any vehicle shall obey the traffic control
4 instructions of persons authorized by the state road com-
5 missioner or by proper local authorities to operate traffic-
6 control devices, act as flagmen, or operate follow-vehicles
7 at or near the site of street or highway construction or
8 maintenance work, for the purpose of regulating, warn-

9 ing or guiding traffic, subject to the exceptions granted
10 the driver of an authorized emergency vehicle in this
11 chapter. Any person failing to comply with the require-
12 ments of this section shall be guilty of a misdemeanor.

Sec. 8. Display of Unauthorized Devices, Signals, Signs,
2 **or Markings.**—(a) No local authority or person shall
3 place, maintain, or display upon or in view of any high-
4 way any unauthorized traffic control device or traffic con-
5 trol signal, or any unauthorized sign, signal, marking, or
6 device which purports to be or is an imitation of or re-
7 sembles an official traffic-control device or railroad sign
8 or signal, or which attempts to direct the movement of
9 traffic, or which hides from view or interferes with the
10 effectiveness of any official traffic-control device or any
11 railroad sign or signal, and no person shall place or main-
12 tain nor shall any public authority permit upon any high-
13 way any traffic control device bearing thereon any com-
14 mercial advertising. This shall not be deemed to prohibit
15 the erection upon private property adjacent to highways
16 of signs giving useful directional information and of a
17 type that cannot be mistaken for official signs.

18 (b) Every such prohibited device, signal, sign or mark-
 19 ing is hereby declared to be a public nuisance and the
 20 state road commissioner or other authority having juris-
 21 diction over the highway is hereby empowered to remove
 22 the same or cause it to be removed without notice.

Article 6. Speed Restrictions.

Section 1. Special Restrictions.—(a) No person shall
 2 drive a vehicle on a highway at a speed greater than is
 3 reasonable and prudent under the conditions and having
 4 regard to the actual and potential hazards, then existing.
 5 In every event speed shall be so controlled as may be
 6 necessary to avoid colliding with any person, vehicle, or
 7 other conveyance on or entering the highways in com-
 8 pliance with legal requirements and the duty of all per-
 9 sons to use due care.

10 (b) Where no special hazard exists that requires lower
 11 speed for compliance with paragraph (a) of this section
 12 the speed of any vehicle not in excess of the limits speci-
 13 fied in this section or established as hereinafter authorized
 14 shall be lawful, but any speed in excess of the limits speci-

15 fied in this section or established as hereinafter author-
16 ized shall be unlawful.

17 (1) Fifteen miles per hour when passing a school
18 building or school grounds abutting on a road, street or
19 highway during school recess or while children are going
20 to or leaving school during opening or closing hours. Such
21 speed restriction shall not apply to vehicles traveling on a
22 controlled-access highway which is separated from the
23 school or school grounds by a fence or barrier approved
24 by the state road commissioner;

25 (2) Twenty-five miles per hour in any business or resi-
26 dence district;

27 (3) Fifty-five miles per hour on open country high-
28 ways, except as otherwise provided by this chapter.

29 The speeds set forth in this section may be altered as
30 authorized in sections two and three of this article.

31 (c) The driver of every vehicle shall, consistent with
32 the requirements of paragraph (a), drive at an appropri-
33 ate reduced speed when approaching and crossing an in-
34 tersection or railway grade crossing, when approaching
35 and going around a curve, when approaching a hill crest,

36 when traveling upon any narrow or winding roadway,
37 and when special hazard exists with respect to pedes-
38 trians or other traffic or by reason of weather or highway
39 conditions.

40 (d) The speed limit on controlled-access highways and
41 interstate highways, where no special hazard exists that
42 requires a lower speed, shall in no event be lower than
43 fifty-five miles per hour and the speed limits specified
44 in (b) hereof shall not apply.

Sec. 2. Establishment of State Speed Zones.—Whenever
2 the state road commissioner shall determine upon the
3 basis of an engineering and traffic investigation that any
4 speed limit set forth in this article is greater or less than
5 is reasonable or safe under the conditions found to exist
6 at any intersection or other place or upon any part of a
7 highway, said commissioner may determine and declare
8 a reasonable and safe speed limit thereat which shall be
9 effective at all times or during hours of daylight or dark-
10 ness or at such other times as may be determined when
11 appropriate signs giving notice thereof are erected at such
12 intersection or other place or part of the highway.

Article 10. Pedestrians' Rights and Duties.

Section 8. Persons Working on Streets and Highways.—

2 The driver of a vehicle shall yield the right-of-way to
3 persons engaged in maintenance or construction work on
4 a street or highway whenever he is notified of their pres-
5 ence by an official traffic-control device or flagman.

Article 13. Stopping, Standing and Parking.

Section 3. Stopping, Standing, or Parking Prohibited

2 **in Specified Places.**—(a) No person shall stop, stand, or
3 park a vehicle, except when necessary to avoid conflict
4 with other traffic or in compliance with law or the direc-
5 tions of a police officer or traffic-control device, in any of
6 the following places:

7 (1) On a sidewalk;

8 (2) In front of a public or private driveway;

9 (3) Within an intersection;

10 (4) Within fifteen feet of a fire hydrant;

11 (5) On a cross walk;

12 (6) Within twenty feet of a cross walk at an intersec-
13 tion;

14 (7) Within thirty feet upon the approach to any flash-

15 ing beacon, stop sign, or traffic-control signal located at
16 the side of a roadway;

17 (8) Between a safety zone and the adjacent curb or
18 within thirty feet of points on the curb immediately op-
19 posite the ends of a safety zone, unless a different length
20 is indicated by signs or markings;

21 (9) Within fifty feet of the nearest rail or a railroad
22 crossing;

23 (10) Within twenty feet of the driveway entrance to
24 any fire station and on the side of a street opposite the en-
25 trance to any fire station within seventy-five feet of said
26 entrance (when properly signposted);

27 (11) Alongside or opposite any street excavation or
28 obstruction when stopping, standing, or parking would
29 obstruct traffic;

30 (12) On the roadway side of any vehicle stopped or
31 parked at the edge or curb of a street;

32 (13) Upon any bridge or other elevated structure
33 upon a highway or within a highway tunnel;

34 (14) At any place where official signs prohibit stop-
35 ping;

36 (15) Within twenty feet of any mail receptacle served
37 regularly by a carrier using a motor vehicle for daily de-
38 liveries, if such parking interferes with or causes delay
39 in the carrier's schedule;

40 (16) Upon any controlled-access highway.

41 (17) At any place on any highway where the safety
42 and convenience of the traveling public is thereby en-
43 dangered.

44 (b) No person shall move a vehicle not lawfully under
45 his control into any such prohibited area or away from
46 a curb such distance as is unlawful.

Sec. 5. Officials Authorized to Remove or Order Re-
2 **moval of Vehicles Stopped, Parked or Left Standing on**
3 **Controlled-Access Highway.**—Whenever a vehicle has
4 been stopped, parked or left standing upon any part of a
5 controlled-access highway any police officer or employee
6 of the state road commission, duly authorized by the com-
7 missioner, shall have the authority to remove or order the
8 removal of the vehicle, by towing or otherwise, to the
9 nearest available established garage or parking lot for
10 storage until called for by the owner or his agent. The

11 owner shall be liable for the reasonable cost of such re-
12 moval and storage, and until payment of such cost the
13 garage or parking lot operator may retain possession of
14 the vehicle subject to a lien for the amount due. The
15 garage or parking lot operator may enforce his lien for
16 towing and storage in the manner provided in section
17 fourteen, article eleven, chapter thirty-eight of this code
18 for the enforcement of other liens.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

C. Ray Fisher
Chairman Senate Committee

Ethel C. Crandall
Chairman House Committee

Originated in the Senate.

Takes effect *same* passage.

Howard Thayer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Harvard J. W. Carson
President of the Senate

John S. Eighan Jr.
Speaker House of Delegates

The within *approved* this the *16th*
day of *March*, 1963.

W. W. Barron
Governor